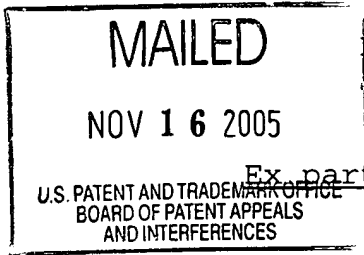


UNITED STATES PATENT AND TRADEMARK OFFICE



BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

~~Ex parte~~ JERRELL P. HEIN and MARIUS GOLDENBERG
U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Application No. 09/693,652

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences (hereinafter the "Board") on September 8, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

On March 14, 2005, appellants filed an Appeal Brief under the new rules set forth in 37 CFR § 41.37(c), effective September 13, 2004. On June 3, 2005, the examiner entered an Examiner's Answer in response to appellants' Brief. However, a review of the file reveals that the Examiner's Answer does not comply with the headings as set forth in the new rules under 37 CFR § 41.37(c), namely, the headings of "Summary of Claimed Subject Matter," "Grounds of Rejection to be Reviewed on Appeal," "Claims Appendix," "Evidence Relied Upon" and "Related Proceedings Appendix."

Application No. 09/693,652

Accordingly, it is

ORDERED that the application is returned to the examiner to:

(1) vacate the Examiner's Answer mailed on June 3, 2005 and issue a revised Examiner's Answer in compliance with the new rules effective September 13, 2004; and

(5) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 

CRAIG R. FEINBERG
Program and Resource Administrator
(571) 272-9797

cc: Davis & Associates
P.O. Box 1093
Dripping Springs, TX 78620

CRF/clm/sd